

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, line 8, delete "IC 12-18-8-2." and insert "**IC 34-6-2-34.5**".
- 2       Page 1, between lines 12 and 13, begin a new paragraph and insert:
- 3       "SECTION 4. IC 12-7-2-85.2 IS ADDED TO THE INDIANA
- 4       CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5       [EFFECTIVE JULY 1, 2003]: **Sec. 85.2. "Final judgment", for**
- 6       **purposes of IC 12-18-8, has the meaning set forth in IC 12-18-4.**"
- 7       Page 2, line 7, delete "(a)".
- 8       Page 2, line 7, delete "means" and insert "**has the meaning set**
- 9       **forth in IC 34-6-2-34.5.**"
- 10       Page 2, delete lines 8 through 27, begin a new paragraph and insert:
- 11       "**Sec. 3. (a) As used in this chapter, an individual is a "family or**
- 12       **household member"** of another person if the individual:
- 13               **(1) is a current or former spouse of the other person;**
- 14               **(2) is dating or has dated the other person;**

**(3) is or was engaged in a sexual relationship with the other person;**

**(4) is related by blood or adoption to the other person;**

**(5) is or was related by marriage to the other person;**

**(6) cohabits or formerly cohabited with the other person; or**

**(7) has or previously had an established legal relationship:**

**(A) as a guardian of the other person;**

**(B) as a ward of the other person;**

**(C) as a custodian of the other person;**

**(D) as a foster parent of the other person; or**

**(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D).**

**(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.**

**Sec. 4. As used in this chapter, "final judgment" means:**

**(1) an acquittal of a criminal offense; or**

**(2) a conviction for a criminal offense:**

**(A) in which the defendant fails to file a timely:**

**(i) notice of appeal under the Indiana rules of appellate procedure; and**

**(ii) motion under Indiana trial rule 60(B);**

**(B) in which transfer is denied to the Indiana supreme court; or**

**(C) that is upheld:**

**(i) on appeal;**

**(ii) following a 60(B) hearing; or**

**(iii) both."**

Page 2, line 28, delete "4." and insert "5."

Page 2, line 31, delete "5." and insert "6."

Page 2, line 33, after "violence." insert **"The team shall review only those deaths in which the person who commits the act of domestic violence resulting in death:**

**(1) is charged with a criminal offense that results in final judgment of conviction; or**

**(2) commits suicide:**

**(A) that is related in time, place, and circumstance to the**

1                    **death of the victim of domestic violence; and**  
 2                    **(B) as determined by a coroner's certificate of death under**  
 3                    **IC 36-2-14-6 or death verdict under IC 36-2-14-10."**

4                    Page 3, line 4, delete "6." and insert "7."

5                    Page 3, line 11, delete "13" and insert "14".

6                    Page 3, line 23, delete "7." and insert "8."

7                    Page 3, line 24, after "violence," insert **"the fatality review**  
 8                    **performed by"**.

9                    Page 3, line 25, delete "shall have access to all records maintained  
 10                  by" and insert **"may include information from reports generated or**  
 11                  **received by:**

12                  **(1) agencies;**

13                  **(2) organizations; or**

14                  **(3) individuals;**

15                  **responsible for the investigation, prosecution, or treatment**  
 16                  **concerning"**.

17                  Page 3, line 26, delete "any public or private entity that may relate  
 18                  to".

19                  Page 3, line 27, delete "team, including the" and insert **"team."**

20                  Page 3, delete lines 28 through 33.

21                  Page 3, line 38, delete "8." and insert "9."

22                  Page 3, line 41, delete "9." and insert "10."

23                  Page 4, delete lines 12 through 13.

24                  Page 4, line 17, delete "5" and insert "6".

25                  Page 4, line 26, delete "5" and insert "6".

26                  Page 4, between lines 31 and 32, begin a new paragraph and insert:  
 27                  **"(d) A local domestic violence fatality review team may not have**  
 28                  **more than fifteen (15) members."**

29                  Page 4, line 32, delete "10." and insert "11."

30                  Page 4, line 33, delete "9" and insert "10".

31                  Page 5, between lines 1 and 2, begin a new line block indented and  
 32                  insert:

33                  **"(10) An attorney who represents victims of domestic violence.**

34                  **(11) A provider of a batterers intervention program."**

35                  Page 5, line 2, delete "11." and insert "12."

36                  Page 5, line 11, delete "12. Members of a local domestic violence  
 37                  fatality review" and insert **"13. (a) Except as provided in subsection**  
 38                  **(b), meetings of a local domestic violence fatality review team are**

- 1       **open to the public.**
- 2       **(b) Meetings of a local domestic violence fatality review team**  
 3       **that involve:**
- 4           **(1) confidential records; or**  
 5           **(2) identifying information regarding a death;**  
 6       **shall be held as an executive session with the public excluded,**  
 7       **except those persons necessary to carry out the fatality review.**
- 8       **(c) If an executive session is held under subsection (b), each**  
 9       **individual who:**
- 10           **(1) attends a meeting of a local domestic violence fatality**  
 11           **review team; and**  
 12           **(2) is not a member of the local domestic violence fatality**  
 13           **review team;**  
 14       **shall sign a confidentiality agreement.**
- 15       **(d) A local domestic violence facility review team shall keep all**  
 16       **confidentiality statements signed under this section."**
- 17       Page 5, delete lines 12 through 26.
- 18       Page 5, line 27, delete "13." and insert "**14.**".
- 19       Page 5, line 36, delete "14." and insert "**15.**".
- 20       Renumber all SECTIONS consecutively.  
       (Reference is to HB 1431 as introduced.)

**and when so amended that said bill do pass.**

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Representative Summers